

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEFFREY SALVAGE,

Petitioner,

vs.

SPOKANE SUPERIOR COURT,

Respondent.

NO: 12-CV-0376-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DIRECTING TRANSFER OF ACTION
TO NINTH CIRCUIT COURT OF
APPEALS

Magistrate Judge Hutton filed a Report and Recommendation on June 25, 2012, recommending Mr. Salvage's habeas corpus petition be transferred to the Ninth Circuit Court of Appeals as a second or successive petition. ECF No. 6.

There being no objections, the Court **ADOPTS** the Report and Recommendation.

When a second or successive petition is mistakenly submitted to the district court, that Court shall refer it to the court of appeals. Ninth Circuit Rule 22-3(a).

Accordingly, **IT IS ORDERED** this case is **TRANSFERRED** to the Ninth Circuit Court of Appeals, pursuant to 28 U.S.C. § 1631 and Ninth Circuit Rule 22-3(a).

ORDER ADOPTING REPORT AND RECOMMENDATION AND DIRECTING
TRANSFER OF ACTION TO NINTH CIRCUIT COURT OF APPEALS -- 1

Petitioner is advised this transfer does not of itself constitute compliance with § 2244(b)(3) and Ninth Circuit Rule 22-3; he must still file an application for leave to proceed in the Court of Appeals and make the showing required by § 2244(b)(2). Petitioner is directed to consult this statute and Ninth Circuit Rule 22-3 for further information.

IT IS SO ORDERED. The District Court Executive is directed to transfer all original documents to the Ninth Circuit Court of Appeals. The District Court Executive shall, however, retain a copy of the petition and of this Order in the file. The District Court Executive is further directed to enter this Order, forward a copy to Petitioner, and close the file.

DATED this 10th day of July 2012.

s/ Thomas O. Rice
THOMAS O. RICE
United States District Court Judge